

NOTICE OF ADOPTION AND DECISION

*

FINDING OF NO SIGNIFICANT IMPACT

For the

Interstate Route 564 Intermodal Connector Norfolk, Virginia

Introduction

In cooperation with the U.S. Navy (Navy) and the Virginia Department of Transportation (VDOT), the Federal Highway Administration (FHWA), Eastern Federal Lands Highway Division, is preparing plans to improve access to the Naval Station Norfolk and to the Norfolk International Terminals. The primary components of the roadway improvements include a new Route 564 (I-564) Intermodal Connector, a relocated Naval Station Norfolk Gate 6 (entry control point), a reconfigured commercial vehicle inspection station (CVIS) for Naval Station Norfolk, and consideration for a future Air Terminal Interchange (ATI) with the Intermodal Connector roadway. The ATI is currently in the process of being included in the region's *2034 Constrained Long Range Transportation Plan (CLRP)*. The four-lane divided connector mainline will extend from existing Route I-564 on the east to the Naval Station Norfolk (Virginia Avenue) on the west. The purpose of the project is to improve traffic flow in the Navy Triangle region. The project is needed to enhance the flow and circulation of traffic in the area.

The Navy prepared the Environmental Assessment (EA) for Transfer of Interests in Real Property of the United States to the Commonwealth of Virginia for Highway Construction in Norfolk, VA (EA) in which four alternatives were analyzed: Alternative 1, Alternative 2, Alternative 3, and the No Build Alternative. The EA was prepared pursuant to the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (40 CFR 1500 et seq.), 42 USC 4332(2)(C). A Finding of No Significant Impacts (FONSI) was signed on February 20, 2013 documenting the Navy's decision to select Alternative 1 (the EA preferred alternative).

FHWA was a cooperating agency on the EA. FHWA is hereby adopting the EA issued by the Navy. One element of the Navy's EA is excluded from this adoption – the ATI at Boush Creek. Exclusion of the ATI from the FHWA's, Navy EA adoption and National Environmental Policy Act decision does not change the project's status regarding independent utility and logical termini. The reason for the ATI exclusion is the ATI is currently proposed as an amendment to the CLRP and is currently not in the CLRP. Supporting technical studies were completed in order to better inform the review and determination of significance. The additional studies included traffic counts and modeling, air quality analysis, and noise study. This document constitutes the review and determination of significance for implementation of Alternative 1 (Selected Alternative).

Selected Alternative

Alternative 1, the preferred alternative in the EA, has been chosen as the Selected Alternative for implementation. This alternative will construct a four-lane divided east-west interstate extension

that will extend from the existing I-564 to the Norfolk International Terminal (NIT); this is referred to as the I-564 Intermodal Connector. This alternative includes consideration for a future ATI (at Boush Creek). The approximate length of the proposed I-564 Intermodal Connector is 1.5 miles, including four new bridges. Under the preferred alternative, ATI is a modified interchange. The Entry Control Point at Gate 6 will be relocated and the CVIS will be reconfigured at the western end of the new corridor. A portion of a rail line and water, sewer, electric, steam, and communications lines will be relocated throughout the project area.

Mitigation Measures

Migratory Bird Treaty Act

- Construction contractors will follow the guidance of the Department of Defense Memorandum of Understanding with the USFWS for Migratory Bird Treaty Act.

Bird Aircraft Strike Hazard

- Construction contractors will utilize and follow the procedures of the BASH program.

Hazardous Material and Waste

- Dewatering operations will be monitored to ensure that the existing extraction well capture zones are not significantly altered.
- A Construction Plan will be required as part of the overall Work Plan to address groundwater dewatering operations to minimize the amount of groundwater necessary to be pumped.
- Any work that is required to be performed within the limits of Camp Allen Landfill (CALF) and the Camp Allen Salvage Yard (CASY), where contact with soil and/or groundwater is anticipated, will be supervised on site at all times by a person 29 CFR 1910.120 HAZWOPER certified as a site manager.
- All site workers that encounter soil and/or groundwater in the CALF and CASY will be 29 CFR 1910.120 HAZWOPER certified as a site worker.
- A Health and Safety Plan must be developed prior to any work in the area.

Water Resources

- Compensatory wetland (jurisdictional waters of the US) mitigation associated with the stormwater management basin and other impacts will be mitigated using a Navy approved method and comply with the Clean Water Act Sections 401 and 404.
 - Impacts will be avoided to the greatest extent practicable
 - In-stream activities will be conducted during low-flow conditions, using non-erodible cofferdams to isolate the construction area, blocking no more than 50% of the stream flow at any given time, stockpiling excavated material in a manner that prevents reentry into stream, restoring original streambed and stream bank contours, re-vegetating barren areas, and implementing strict erosion and sediment control measures throughout the project period as described in the Virginia Erosion and Sediment Control Handbook, 1992, Virginia Department of Conservation and Recreation.
 - No structures will be placed within the limits of Boush Creek.

Other Alternatives Considered

Alternative 2 would occur as described under the preferred alternative except Gate 6 would be located to the east of Hampton Boulevard.

Alternative 3 would occur as described under the preferred alternative except ATI would be a full interchange located along the existing I-564.

The No Action alternative would not grant the interests in real property to the Commonwealth of Virginia, which would result in the highway improvements not being constructed by VDOT.

Public Involvement

A public information meeting was held on December 11, 2012 in order to provide the public with information regarding this project's scope, purpose and need, and preferred alternative. Representatives of VDOT, the Navy, the City of Norfolk, and FHWA were available to discuss the project.

Environmental Impacts

Air Quality. The Selected Alternative will have a minor temporary increase in emissions levels due to proposed relocation, demolition, and construction activities. The total projected emissions will be below de minimis levels in the Environmental Protection Agency (EPA) General Conformity Rule, and a Record of Non-Applicability was signed for the action. Additionally, estimated greenhouse gas emission from the Selected Alternative will be less than 25,000 metric tons. The project is located in an ozone maintenance area and an attainment area for all other national ambient air quality standards (NAAQS). The project (minus the ATI at Boush Creek as depicted in the selected alternative) is properly programmed in the conforming *2034 Constrained Long Range Plan (CLRP)* and *Fiscal Year (FY) 2012-2015 Transportation Improvement Program (TIP)*, the plan (CLRP) thereby satisfies the conformity rule requirements at 40 CFR 93.115. The Air Quality Analysis indicated that the project will meet all applicable air quality analysis and conformity requirements. The project will not cause or contribute to a violation of the NAAQS as established by the EPA.

Biological Resources. The Selected Alternative will result in the displacement of limited wildlife. Construction contractors will follow the guidance of the Migratory Bird Treaty Act Memorandum of Understanding and the Bird Aircraft Strike Hazard Program in the area of Chambers Field to avoid and minimize any impacts to migratory birds and aircraft. Construction activities will result in the permanent removal of approximately 109 acres of vegetation (forested, scrub-shrub, and herbaceous communities). Much of the area will be re-vegetated after completion of project. Implementing the Selected Alternative will not result in a significant impact to biological resources.

Coastal Zone Management. The Selected Alternative will be consistent to the maximum extent practicable with the enforceable coastal zone policies of the Virginia Coastal Resources Management Program. The Virginia Department of Environmental Quality (DEQ) concurred

with the Navy's coastal consistency determination pursuant to the Coastal Zone Management Act on January 3, 2013.

Cultural Resources. The Navy has determined that the Selected Alternative will have no adverse effect upon historic properties. The Virginia Department of Historic Resources (VDHR) State Historic Preservation Officer (SHPO) concurred with the Navy's determination of no adverse effect on July 18, 2012. VDOT acting for and in cooperation with FHWA determined there will be no adverse effect upon historic properties by letter to the VDHR dated December 13, 2012. The VDHR concurred with this determination on December 17, 2012.

Geology, Topography, and Soils. The Selected Alternative will yield construction that will involve clearing, grubbing, storing topsoil, and grading approximately 187 acres of land. Negative short-term impacts will take place during construction, but they will be temporary and largely mitigated through placement and monitoring of best management practices (BMPs). In the long-term, following construction, stormwater management and soil erosion control through construction of BMPs incorporated in the design of roadways will minimize water quality impacts. Overall there will be no significant impacts to geology, topography, or soils by implementing the preferred alternative.

Hazardous Materials and Waste Disposal. Under the preferred alternative, hazardous materials and waste will be handled in accordance with applicable laws, rules, and regulations. Materials will be removed by licensed contractors for the respective substance and disposed of at approved landfills. There will be no significant impact to hazardous materials and waste disposal from the implementation of the preferred alternative. The project will comply, and be consistent with, all remediation currently coordinated with the Virginia Department of Environmental Quality, US Environmental Protection Agency and administered by the Navy

Human Health and Safety. Compliance with Navy safety procedures and applicable regulations will minimize impacts on safety. There will be a minor short-term impact on safety from construction and demolition activities of the Selected Alternative from the associated hazards of performing those activities.

Infrastructure and Utilities. Any infrastructure, which is in direct conflict with the Selected Alternative will be demolished, abandoned, replaced, and/or relocated. Utility lines will be identified and relocated prior to the commencement of road construction. All affected infrastructure will be abandoned, removed, and/or properly disposed of per the 2006 and 2012 MOAs between CNRMA and VDOT. VDOT must account for Navy facilities and infrastructure impacted by the proposed action by relocating them or providing other mitigation. There will be short-term adverse impacts to utilities and infrastructure during demolition and construction. Long-term impacts will be positive to the NAVSTA Norfolk and NSA HR once the project is completed.

Installation Restoration Programs. The Camp Allen Landfill (CALF) site includes two distinct areas (Area A, the 45-acre landfill, and Area B, the 2-acre fire disposal area). The Area A landfill, which operated from the mid-1940s until approximately 1974, was used for the disposal of metal plating and parts cleaning sludge, paint-stripping residue, various chlorinated organic

solvents, overage chemicals, pesticides, asbestos, incinerator ash, fly and bottom ash from the base power plant. Wastes from the Camp Allen Savage Yard (CASY), including drums containing various chemicals, were buried in 1971 in trenches at Area B. Contamination at the CALF site has affected the surface and subsurface soil, sediment, surface water, and groundwater.

To implement the Selected Alternative a health and safety plan must be developed prior to any work in the area. Construction worker dewatering operations will be monitored to ensure that the existing extraction well capture zones (associated with the site remedy for CALF) are not significantly altered. A construction plan will be required as part of the overall work plan and to address groundwater dewatering operations to minimize the amount of groundwater necessary to be pumped. As with soils, any work that is required to be performed within the limits of CALF, where contact with groundwater is anticipated, will be supervised on site at all time by a person HAZWOPER certified as a site manager. All site workers that encounter groundwater in the CALF and the CASY will be HAZWOPER certified as a site worker.

Land Use. The Selected Alternative will result in minimal impacts to land use.

Noise. Construction activities will result in a temporary increase in noise from construction operations within the project area. Construction activities will be phased over several years. The results of the preliminary noise analysis for the Selected Alternative indicate that Design Year (2036) No Build noise levels are anticipated to exceed the FHWA/VDOT noise abatement criteria at 68 locations representing 64 residences and a golf course. Design Year (2036) Build noise levels are anticipated to exceed the FHWA/VDOT noise abatement criteria at 53 locations representing 56 residences and a golf course. Noise abatement consideration for this project will be reassessed during the final design phase of the project.

Socioeconomics. Under the Selected Alternative, highway construction activities could contribute in a minor way to the local economy through the purchase of construction materials and the generation of construction wages. Short-term beneficial impacts from construction will be easily absorbed into the local economy. Overall, there will be no significant adverse impacts to the demography or economy of the City of Norfolk or the region.

Traffic and Transportation. The Selected Alternative will not increase traffic to the area; it offers an alternative route to existing traffic. There will be short-term traffic impacts during demolition and construction. Long-term traffic impacts will be positive.

Water Resources. Overall stormwater impacts will be minimal as a result of the preferred/selected alternative. Stormwater discharge permit coverage will be obtained from the Virginia Department of Conservation and Recreation. All activities will be conducted in accordance with any required permits and plans. Stormwater also will be managed in accordance with the Navy's Low Impact Development policy and the Energy Independence and Security Act.

Wetlands and Floodplains. The I-564 Intermodal Connector component of this project will impact 2.97 acres of palustrine, emergent wetlands, and 0.06 acres of palustrine scrub-shrub

wetlands. Permits have been obtained from Virginia Marine Resources Commission (VMRC), United States Army of Corps Engineers (USACE), and Virginia DEQ for the Intermodal Connector portion of this project. Upon final project design, all current permits will be amended, if needed. The ATI component of the project, as currently designed, will impact approximately 1.25-acres of additional wetlands. Permits will be obtained from VMRC, USACE, and Virginia DEQ before the ATI component is constructed. Impacts to wetlands and floodplains will be minimal.

Cumulative Impacts. Potential cumulative effects of the Selected Alternative in combination with other past, present, or reasonably foreseeable future actions were analyzed and found not significant.

US Department of Transportation Section 4(f). This project will not use land from a significant publically owned public park, recreation area, or wildlife and waterfowl refuge or significant historic site. This determination is made by FHWA in consultation with the land owner (Navy for parks, recreation area and wildlife/waterfowl refuge) and the VDHR for historic properties.

Permits. Construction permits for this project (such as wetland and stream encroachment - if required, sediment control, stormwater management, etc.) will be amended/renewed/obtained by the design build contractor once a contract is awarded and an approved design has been accepted by the government.

Supporting Technical Studies

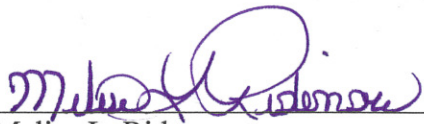
1. Navy FONSI, February 20, 2013
2. Navy EA, February 2013
3. Navy let. to VDHR/concur., July 18, 2012
4. VDOT/FHWA let. to VDHR/concur., Dec. 13, 2012
5. FHWA public infor. mtg. notice, Dec. 11, 2012
6. VDOT sum. environ (haz-mat) docum. Dec. 7, 2012
7. VDOT Traffic Analysis, Dec. 2012
8. VDOT Noise Analysis, January 2013
9. VDOT Air Quality Analysis, January 2013

Finding: Based on the analysis presented in the EA, and coordination with the Virginia DEQ, VDHR, Navy and VDOT, the FHWA EFLHD, finds that implementation of the Selected Alternative will not significantly affect the quality of the human or natural environment or generate significant controversy.

Conclusions

The FHWA has determined that the proposed action (Selected Alternative) will not have a significant impact on the human or natural environment. The Selected Alternative with the exception of the ATI at Boush Creek does not constitute an action that requires preparation of an environmental impact statement (EIS). This FHWA FONSI is based on the EA issued by the Navy, along with supporting technical studies (as listed above) and includes all proposed work in the Navy EA except the ATI at Boush Creek. The FHWA finds it in the public's interest to adopt the Navy EA and incorporate by reference, information contained in the Navy FONSI as

the basis for its own FONSI to meet NEPA requirements. The FHWA has reviewed the Navy EA and FONSI and finds that these documents meet the requirements for EAs and FONSI set forth in 40 CFR 1500 to 1508, 23 CFR 771.119 and 771.121, and related environmental laws, executive orders, and implementing regulations. Based on this review the FHWA concurs and adopts the Navy findings, conclusions, and recommendations as presented in the Navy EA and FONSI and agrees that the proposed project (minus the ATI at Boush Creek) will result in no significant impacts and that an EIS is not required.



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Date